IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 22362 of 2006(K)

PETITIONER:

RAJESHKUMAR D., S/O.DASAPPAN PILLAI,
VADASSERIL PUTHENVEEDU, MUTHUKULAM SOUTH P.O.,
ALAPPUZHA(FORMERLY PHYSICAL EDUCATION TEACHER,
ST. THOMAS HIGH SCHOOL, KADAPRA)

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

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1. THE DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
THIRUVALLA.

2. THE HEADMASTER, ST. THOMAS HIGH SCHOOL,
KADAPRA KIZHAKUMBHAGAM P.O.

ADDL. R3 IMPLEADED.

3. THE MANAGER,
ST. THOMAS HIGH SCHOOL,
KADAPRA KIZHAKUMBHAGAM P.O.

ADDL.R3 IM PLEADED AS PER ORDER IN I.A.17303/2006 DATED 12.12.2006.
R2 & R3 BY ADV. SRI.P.HARIDAS
R1 BY GOVT. PLEADER SMT. M.R.SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 22362/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE STAFF FIXATION ORDER DATED 2.9.2003 ISSUED BY RESPONDENT NO.1.

EXT. P2 : TRUE COPY OF THE CIRCULAR DATED 2.5.2005 ISSUED BY THE GOVERNMENT.

EXT. P3 : TRUE COPY OF THE JUDGMENT DATED 30.6.2005 PASSED BY THIS HON'BLE COURT IN W.P.(C) 19564/2005.

EXT. P4 : TRUE COPY OF THE ORDER DATED 16.8.2005 PASSED BY RESPONDENT NO.1.

EXT. P5 : TRUE COPY OF THE REPRESENTATION DATED 1.10.2005 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO.1.

EXT. P6 : TRUE COPY OF THE JUDGMENT DATED 7.11.2005 PASSED BY THIS HON'BLE COURT IN W.P.(C) 30228/2005.

EXT. P7 : TRUE COPY OF THE ORDER BEARING NO.B1.10837/05 DATED 13.1.2006 PASSED BY RESPONDENT NO.1.

EXT. P8 : TRUE COPY OF THE APPEAL DATED 10.10.2003 THUS SUBMITTED BY THE MANAGER OF THE SCHOOL BEFORE THE DIRECTOR OF PUBLIC INSTRUCTIONS.

EXT. P9 : TRUE COPY OF THE ORDER DATED 14.2.2005 THUS PASSED BY THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.

EXT. P10 : TRUE COPY OF THE ORDER OF SUSPENSION DATED 4.1.2005 AND THE MEMO OF CHARGES LEVELLED AGAINST SR. K.C.VALSAMMA.

K.M.JOSEPH, J.

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WP.(C) No. 22362 OF 2006

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Dated this the 12th day of December, 2006

JUDGMENT

Complaint of the petitioner is that Ext.P7 is not being implemented. Ext.P7 is an order passed by the first respondent directing the Headmaster to take steps to disburse the salary and allowances due to the petitioner. Having heard learned Government Pleader, I feel that it is for the petitioner to approach the DEO in view of the non-compliance of Ext.P7. Learned counsel for the petitioner submits that the petitioner will file a petition before the DEO.

Accordingly, the writ petition is disposed of as follows:

If the petitioner prefers a petition before the DEO, the first respondent, in regard to the non-compliance of Ext.P7, the first respondent will consider the same in accordance with law with notice to the petitioner, the second respondent and the additional third respondent and pass appropriate orders within a period of one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.